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OFFICE OF PETITIONS

In re Application of :
Jahn, et al. :
Application No. 09/275,534 : ON PETITION
Filed: March 24, 1999 :
Attorney Docket No. 100717-331 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed March 14, 2005. The petition was recently forwarded to the Office of Petitions for consideration.

The petition under 37 CFR 1.181 is GRANTED.

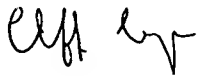
The above application was held abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed January 6, 2004. Applicants filed a "COMBINED REQUEST TO WITHDRAW THE NOTICE OF ALLOWANCE MAILED JANUARY 6, 2004 AND REQUEST FOR INTERFERENCE" on February 24, 2004. In response, the Office subsequently mailed a second Notice of Allowability on July 1, 2004. The Notice stated that the request for interference was not granted. The Notice also stated that "this notice of allowance supercedes the previous notice of allowance, which, as applicant explains, was premature in view of the request for suspension of action" (filed on November 24, 2003). However, the Office did not mail a Notice of Allowance together with this new Notice of Allowability. Instead, the Office mailed a Notice of Abandonment on January 13, 2005.

In view of the Notice of Allowability mailed July 1, 2004, and the examiner's comments stated therein, it is obvious that the Notice of Allowance mailed January 6, 2004 was mailed in error.

In view thereof, the petition under 37 CFR 1.181 is granted.

The matter is being forwarded to Group Art Unit 1723 for re-mailing of a Notice of Allowance, setting a new period for reply, and crediting the \$1,330 issue fee and \$300 publication filed on November 24, 2003.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions